

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SYNGENTA CROP PROTECTION, LLC,

Plaintiff,

v.

WILLOWOOD, LLC, WILLOWOOD USA,
LLC, WILLOWOOD AZOXYSTROBIN,
LLC, and WILLOWOOD LIMITED,

Defendants.

Civil Action No: 1:15-CV-274

**DECLARATION OF HARI SANTHANAM IN SUPPORT OF SYNGENTA’S
BRIEF IN OPPOSITION TO DEFENDANTS’ MOTION TO EXCLUDE
PLAINTIFF’S DAMAGES EXPERT, BENJAMIN WILNER**

I, Hari Santhanam, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the law firm of Kirkland & Ellis LLP, counsel for Plaintiff Syngenta Crop Protection, LLC (“Syngenta”) in the above-captioned matter. I am familiar with the facts and circumstances of this action.

2. I submit this declaration, along with the exhibits annexed hereto, in support of Syngenta’s Brief in Opposition to Defendants’ Motion to Exclude Plaintiff’s Damages Expert, Benjamin Wilner.

3. In particular, I offer this declaration to place before the Court certain documents that are referred to in Syngenta’s Brief in Opposition to Defendants’ Motion to Exclude Plaintiff’s Damages Expert, Benjamin Wilner.

4. Annexed hereto as Exhibit 1 is a true and correct copy of excerpts from the July 11, 2016 deposition transcript of Jeff Cecil.

5. Annexed hereto as Exhibit 2 is a true and correct copy of excerpts from the July 15, 2016 deposition transcript of Rex Wichert.

6. Annexed hereto as Exhibit 3 is a true and correct copy of excerpts from the July 22, 2016 deposition transcript of Andrew Fisher.

7. Annexed hereto as Exhibit 4 is a true and correct copy of excerpts from the July 22, 2016 deposition transcript of Adora Clark.

8. Annexed hereto as Exhibit 5 is a true and correct copy of excerpts from the July 25, 2016 deposition transcript of Brad Reichman.

9. Annexed hereto as Exhibit 6 is a true and correct copy of excerpts from the August 4, 2016 deposition transcript of Brian Heinze.

10. Annexed hereto as Exhibit 7 is a true and correct copy of excerpts from the August 23, 2016 deposition transcript of Vijay Mundhra.

11. Annexed hereto as Exhibit 8 is a true and correct copy of the document bates stamped WW026430-508, Willowood Management Presentation (Plaintiff's Deposition Exhibit ("PDX") 42) as produced by Willowood in this litigation.

12. Annexed hereto as Exhibit 9 is a true and correct copy of a compilation of Willowood emails notifying customers of price changes (PDX 43) as produced by Willowood in this litigation.

13. Annexed hereto as Exhibit 10 is a true and correct copy of a compilation of Willowood emails notifying customers of price changes (PDX 44) as produced by Willowood in this litigation.

14. Annexed hereto as Exhibit 11 is a true and correct copy of the document bates stamped WW012693 (PDX 48), as produced by Willowood in this litigation.

15. Annexed hereto as Exhibit 12 is a true and correct copy of the document bates stamped WW010580-85 (PDX 58), as produced by Willowood in this litigation.

16. Annexed hereto as Exhibit 13 is a true and correct copy of the document bates stamped WW003071-74 (PDX 78), as produced by Willowood in this litigation.

17. Annexed hereto as Exhibit 14 is a true and correct copy of the document bates stamped WW008930-39 (PDX 79), as produced by Willowood in this litigation.

18. Annexed hereto as Exhibit 15 is a true and correct copy of the document bates stamped WW0011039-45 (PDX 81), as produced by Willowood in this litigation.

19. Annexed hereto as Exhibit 16 is a true and correct copy of the document bates stamped WW025053, as produced by Willowood in this litigation.

20. Annexed hereto as Exhibit 17 is a true and correct copy of the document bates stamped SYN056311-12, as produced by Syngenta in this litigation.

21. Annexed hereto as Exhibit 18 is a true and correct copy of the document bates stamped SYN287760, as produced by Syngenta in this litigation.

22. Annexed hereto as Exhibit 19 is a true and correct copy of the document bates stamped SYN291271, as produced by Syngenta in this litigation.

23. Annexed hereto as Exhibit 20 is a true and correct copy of the document bates stamped SYN283441-62 (Cecil-1), as produced by Syngenta in this litigation.

24. Annexed hereto as Exhibit 21 is a true and correct copy of the document bates stamped SYN056120-41 (Cecil-20), as produced by Syngenta in this litigation.

25. Annexed hereto as Exhibit 22 is a true and correct copy of the document bates stamped SYN037154-74 (Cecil-23), as produced by Syngenta in this litigation.

26. Annexed hereto as Exhibit 23 is a true and correct copy of the document bates stamped SYN283503-11 (Wichert-19), as produced by Syngenta in this litigation.

27. Annexed hereto as Exhibit 25 is a true and correct copy of Willowood Azoxy 2SC EPA Registration: EPA Reg. No. 87290-44 (SYN291126), as produced by Syngenta in this litigation.

28. Annexed hereto as Exhibit 26 is a true and correct copy of Willowood AzoxyProp Xtra EPA Registration: EPA Reg. No. 87290-56 (SYN291185), as produced by Syngenta in this litigation.

29. Annexed hereto as Exhibit 27 is a true and correct compilation of Albaugh EPA Registrations: EPA Registration Nos. 42750-261 (SYN289530), 42750-262 (SYN289587), 42750-284 (SYN289593), 42750-285 (SYN289612), 42750-289 (SYN289637), 42750-290 (SYN289673), 42750-291 (SYN289708), 42750-292 (SYN289722), and 42750-297 (SYN289735), as produced by Syngenta in this litigation.

30. Annexed hereto as Exhibit 28 is a true and correct compilation of Cheminova EPA Registrations: EPA Registration Nos. 67760-124 (SYN290002), 67760-

129 (SYN291255), and 67760-130 (SYN290063), as produced by Syngenta in this litigation.

31. Annexed hereto as Exhibit 30 is a true and correct copy of the article written by Andrew Noel & Jack Kaskey, titled “FMC Buys Cheminova for \$1.8 Billion and Revises Breakup,” Bloomberg News (September 8, 2014), <https://www.bloomberg.com/news/articles/2014-09-08/fmc-to-buy-cheminova-for-1-8-billion-as-ceo-modifies-strategy> (last visited May 1, 2017).

32. Annexed hereto as Exhibit 31 is a true and correct copy of the webpage titled “Willowood USA, Azoxy 2SC,” <http://www.willowoodusa.com/products/fungicides/azoxy-2sc/> (last visited May 1, 2017).

33. Annexed hereto as Exhibit 32 is a true and correct copy of the webpage titled “Willowood USA, AzoxyProp Xtra,” <http://www.willowoodusa.com/products/fungicides/azoxyprop-xtra/> (last visited May 1, 2017).

34. Annexed hereto as Exhibit 33 is a true and correct copy of the article by Christina D. Romer, titled “the Aftermath of Financial Crises: Each Time Really Is Different,” Sir John Hicks Lecture in Economic History (Oxford Univ. Apr. 28, 2015), *available at* <http://eml.berkeley.edu/~cromer/Lectures/Romer%20Hicks%20Lecture%20Written%20Version.pdf> (last visited May 1, 2017).

35. Annexed hereto as Exhibit 34 is a true and correct copy of Excerpt of National Crop Insurance Services, 49 CROP INSURANCE TODAY 2 (May 2016), *available*

at <http://www.brightcopy.net/allen/cint/may2016/index.php#/0> (last visited May 1, 2017).

Dated: May 1, 2017

/s/ Hari Santhanam
Hari Santhanam